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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,728	01/28/2005	Nichimu Inada	052040	8845
38834 7590 07/05/2007 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER THANH, QUANG D	
			ART UNIT 3771	PAPER NUMBER
			MAIL DATE 07/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/522,728

Applicant(s)

INADA ET AL.

Examiner

Quang D. Thanh

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3771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-6, 9-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Yamanaka et al. (JP 2003-180774).
3. Re claims 1-3, 5-6 and 9-10, Yamanaka discloses a massaging machine, comprising: a chair body having a seat and a backrest (fig. 10); an armrest 21 provided to the side of said seat; a tunnel-shaped support 211 (fig. 10) provided to stand from said armrest so as to enable the massagee's arm or hand placed on said armrest to be inserted therein; and a massage air cell 12 provided to the inner surface of said tunnel-shaped support which expands/contracts according to the supply/discharge of air; wherein said tunnel-shaped support is open at both ends of the cross direction thereof (fig. 12-13) , and the arm or hand can be inserted into the rear opening, and the fingertips can come out from the front opening (fig. 12-13); wherein said massage air cell 12 is capable of pressing the arm or hand against said armrest by expanding (fig. 5-6); wherein said armrest is provided with a vibration generator 15 (fig. 10) for performing

vibrating massage to the arm or hand being pressed by said massage air cell; wherein said tunnel-shaped support has a tunnel-shaped external member 211, and internal member provided inside said external member while retaining space between said massage external member (fig. 5-6); the air cell 12 is installed to said internal member; the space between said external member and said internal member is pipe space for installing a pipe 13 for supplying air to said massage air cell (fig. 5); wherein said massage air cell can be disposed so as to press the palm or back of the hand placed on said armrest; wherein the length of the cross direction of said tunnel-shaped support is set to an extent such that only the anterior portion of the massagee's wrist is positioned therein; and said massage air cell can be used for massaging the palm or back of the hand.

4. Re claims 11-13, Yamanaka discloses a chair-type massaging machine (fig. 10) having an armrest 21 comprising an air cell 12 at the upper side of the armrest which expands/contract according to the supply/discharge of air, wherein said air cell is provided so as to press the massagee's arm or hand placed on said armrest against said armrest by expanding downward; an arm and hand massager to be used upon being mounted on the armrest 21 of a chair, comprising: a tunnel-shaped support mounted on said armrest so as to enable the massagee's arm or hand placed on said armrest to be inserted therein; and an air cell 12 provided to the inner surface of said tunnel-shaped support for massaging the arm or hand by expanding/contracting; a massaging method, comprising pressing the massagee's arm or hand placed on an armrest of a chair-type massaging machine having said armrest against said armrest

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with an air cell which expands/contracts according to the supply/discharge of air (see abstract).

5. Claims 1-3, 6, 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Hata et al. (6,491,652).

6. Re claims 1-3, 6 and 9-10, Hata discloses a massaging machine, comprising: a chair body having a seat and a backrest (fig. 26); an armrest 82 provided to the side of said seat; a tunnel-shaped support 14 (fig. 1a) provided to stand from said armrest (col. 8, lines 3-7) so as to enable the massagee's arm or hand placed on said armrest to be inserted therein; and a massage air cell 2 provided to the inner surface of said tunnel-shaped support which expands/contracts according to the supply/discharge of air; wherein said tunnel-shaped support is open at both ends of the cross direction thereof (fig. 1a) , and the arm or hand can be inserted into the rear opening, and the fingertips can come out from the front opening (fig. 1a); wherein said massage air cell 2 is capable of pressing the arm or hand against said armrest by expanding (see abstract); wherein said tunnel-shaped support has a tunnel-shaped external member 14, and internal member 3 provided inside said external member while retaining space between said massage external member (fig. 1a); the air cell 2 is installed to said internal member 3; the space between said external member and said internal member is pipe space for installing a pipe 40 for supplying air to said massage air cell (fig. 1a); wherein said massage air cell can be disposed so as to press the palm or back of the hand

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placed on said armrest; wherein the length of the cross direction of said tunnel-shaped support is set to an extent such that only the anterior portion of the massagee's wrist is positioned therein; and said massage air cell can be used for massaging the palm or back of the hand.

7. Re claims 11-13, Hata discloses a chair-type massaging machine (fig. 26) having an armrest 82/14 (col. 8, lines 3-7) comprising an air cell 2 at the upper side of the armrest which expands/contract according to the supply/discharge of air, wherein said air cell is provided so as to press the massagee's arm or hand placed on said armrest against said armrest by expanding downward; an arm and hand massager 14 to be used upon being mounted on the armrest 82 of a chair (col. 8, lines 3-7) , comprising: a tunnel-shaped support 14 mounted on said armrest so as to enable the massagee's arm or hand placed on said armrest to be inserted therein; and an air cell 2 provided to the inner surface of said tunnel-shaped support for massaging the arm or hand by expanding/contracting; a massaging method, comprising pressing the massagee's arm or hand placed on an armrest of a chair-type massaging machine having said armrest against said armrest with an air cell which expands/contracts according to the supply/discharge of air (see abstract).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hata et al. in view of Matsushita Electric Works (JP 58-180160). Hata discloses the claimed invention except for an acupressure element provided with the armrest for performing acupressure to the arm or hand being pressed with said massage air cell. However, Matsushita teaches a massager that includes an acupressure element 2 provided on the base 1 of the massager for performing acupressure to the hand 19 being pressed with a massage air cell 8 (fig. 1 and 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the device in the Hata's reference, to include an acupressure element, as suggested and taught by Matsushita, for the purpose of providing suitable means for performing acupressure to the arm or hand 19 while being pressed with a massage air cell.

10. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hata et al. in view of Kitadou et al. (6,494,850). Hata discloses the claimed invention except for the armrest moves backward in conjunction with the motion of said backrest reclining backward, and moves forward in conjunction with the motion of said backrest rising forward; and the tunnel-shaped support moves forward and backward according to the forward and backward movement of the armrest. Kitadou teaches a massaging device comprising a reclining chair (col. 3, lines 1-6) for supporting thereon a whole body for a complete relaxation and an armrest 13 connected to the backrest 11 such that the armrest moves backward in conjunction with the motion of said backrest reclining backward, and moves forward in conjunction with the motion of said backrest rising

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forward (fig. 38A and 38B). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the device in the Hata's reference, to include an armrest connected to the backrest such that the armrest moves backward in conjunction with the motion of said backrest reclining backward and, and moves forward in conjunction with the motion of said backrest rising forward, as suggested and taught by Kitadou, thus the tunnel-shaped support moves forward and backward according to the forward and backward movement of the armrest, for the purpose of providing a chair that could recline together with its armrest in order to support thereon a whole body for a total complete relaxation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The Central FAX phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang D. Thanh/

Quang D. Thanh, Primary Examiner
Art Unit 3771, (571) 272-4982